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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JOE MILAM CATHEY, )  
 )  
Defendant. )

No. CR 06-267 SI

[PROPOSED] ORDER AND STIPULATION  
(1) EXCLUDING TIME FROM JULY 7,  
2006 TO AUGUST 4, 2006 FROM THE  
SPEEDY TRIAL ACT CALCULATION  
(18 U.S.C. § 3161(h)(8)(A))

The parties appeared before the Honorable Susan Illston on July 7, 2006.

With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act from July 7, 2006 to August 4, 2006, in light of the need for the defendant's counsel to review recently-produced discovery with his client and discuss an appropriate disposition with the government. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the need for new counsel to review the discovery with the defendant, and would deny the defendant continuity of counsel.

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2. Given these circumstances, the Court found that the ends of justice served by excluding the period from July 7, 2006 to August 4, 2006 outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from July 7, 2006 to August 4, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: August 9, 2006


/S/  
\_\_\_\_\_  
TRACIE L. BROWN  
Assistant United States Attorney

DATED: August 9, 2006

/S/  
\_\_\_\_\_  
STEVEN KALAR  
Attorney for Joe Milam Cathey

IT IS SO ORDERED.

DATED: \_\_\_\_\_

  
\_\_\_\_\_  
THE HON. SUSAN ILLSTON  
United States District Judge